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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10 SOUTHERN DIVISION

11 DAVE DELGIACCO,	}	No. SACV14-00200-DOC (DFMx)
12 Plaintiff,		
13 v.		
14	}	Order Setting Settlement Conference
15 COX COMMUNICATIONS, INC.,		
16 et al.		
17 Defendants.	}	

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19 A Settlement Conference will be held before the Court in Courtroom 6A
20 of the Ronald Reagan Federal Building and United States Courthouse, 411
21 West Fourth Street, Santa Ana, California, on **April 13, 2015**, at 11:00 a.m.
22 The Court believes that consideration of settlement is a serious matter that
23 requires thorough preparation before the settlement conference. Set forth
24 below are the procedures the Court will require the parties to follow and the
25 procedures the Court will typically employ in conducting the conference:

26 1. **Attendance of Parties Required.** Parties with full and complete
27 settlement authority are required to personally attend the conference, together
28 with trial counsel for each party. A corporate party shall send a representative

1 with full and complete authority to make settlement decisions. Defendant's
2 representative must have final settlement authority to commit Defendant to
3 pay, in the representative's sole discretion, a settlement amount recommended
4 by the settlement judge up to Plaintiff's prayer (excluding punitive damage
5 prayers), or up to Plaintiff's last demand made prior to the settlement
6 conference, whichever is lower. If the settlement decision will be made in
7 whole or in part by an insurer, the insurer shall send a representative with full
8 and complete authority to make settlement decisions. Failure to produce the
9 appropriate person(s) at the conference and/or failure to participate in good
10 faith may result in an award of costs and attorney's fees incurred by the other
11 parties in connection with the conference and/or other sanctions against the
12 noncomplying party and/or counsel.¹

13 **2. Settlement Conference Statement.** At least **two** court days before
14 the Settlement Conference, each party shall submit a Settlement Conference
15 Statement to the Magistrate Judge. The parties shall exchange the Statements
16 on the same date. These Statements shall not become a part of the file of the
17 case, but shall be for the use of the Magistrate Judge in preparing for and
18 conducting the settlement conference. Settlement Conference Statements
19 should be delivered to the Court by fax to (714) 338-4705 or directly to
20 chambers on the Seventh Floor of the Santa Ana Courthouse. The Statements
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22 ¹ When a person whose personal attendance would otherwise be
23 required pursuant to the foregoing paragraphs resides outside Orange County,
24 the Court will consider excusing the personal attendance of such person, so
25 long as such person can and will be available by telephone during the entire
26 settlement conference. If a party desires to avail itself of this excuse from
27 personal attendance, counsel should so request in such party's Settlement
28 Conference Statement. After the party's Settlement Conference Statement is
submitted, counsel should contact the Court's courtroom deputy clerk to
ascertain whether the request has been granted.

1 may be in letter format and shall not exceed ten (10) pages in length. The
2 parties' respective Statements should address:

3 A. A brief statement of the facts of the case, and of the claims
4 and defenses remaining to be tried, including the statutory or other
5 grounds upon which the claims are founded. This statement should
6 identify the major factual and legal issues in dispute, and cite any
7 controlling authorities.

8 B. An itemized statement of the damages claimed, and of any
9 other relief sought.

10 C. A summary of the proceedings to date, including any case
11 management dates/deadlines already set by the District Judge.

12 D. A history of past settlement discussions, offers and demands.

13 3. **Confidential Addendum.** Each party shall also prepare a
14 Confidential Addendum to Settlement Conference Statement, which shall be
15 delivered (or faxed) directly to the Magistrate Judge only, simultaneously with
16 the Settlement Conference Statement. The Confidential Addendum shall not
17 be filed with the Court or served upon the other parties. The Confidential
18 Addendum shall contain:

19 A. A forthright evaluation of the party's likelihood of prevailing
20 on each of its claims and/or defenses.

21 B. The approximate amount of attorney's fees, time and costs
22 expended to date, and an estimate of the fees, time and costs to be
23 expended for (i) further discovery, (ii) pretrial and (iii) trial.

24 C. The party's evaluation of the terms on which the other side
25 is prepared to settle the case.

26 D. The party's evaluation of the terms on which the case could
27 be settled fairly, taking into account the litigation position and settlement
28 position of the other side.

1 4. **Format.** The Court will generally use a mediation format, that is,
2 a joint session with an opening presentation by the Court and each side
3 followed by private caucuses. Each party should be prepared to make a mini-
4 opening statement of 5-10 minutes during the initial joint session. This
5 presentation should not be in the form of a closing argument or argument on a
6 motion for summary judgment. The purpose of the presentation is to inform
7 the Court and the other participants of the basis for the last offer or demand
8 and to provide a framework for the settlement discussions.

9 5. **Conference Preparation.** The Court may, in its discretion, contact
10 the parties after review of the Statements and Confidential Addenda to arrange
11 a pre-settlement conference telephone call with counsel. The Court may ask
12 the parties to submit addenda to their statements during this telephone
13 conference.

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15 Dated: April 6, 2015



DOUGLAS F. McCORMICK
United States Magistrate Judge